

To amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes.

SEPTEMBER 22 (legislative day, SEPTEMBER 12), 1994

Mr. DASCHLE (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

To amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes.

3 SECTION 1. This Act may be cited as “The Pathogen
4 Reduction Act of 1994”.

LEGISLATIVE FINDINGS

7 SEC. 101. The Congress finds that:

1 (a) Pathogens are a significant source of
2 foodborne illness associated with meat, meat food
3 products, poultry, and poultry products.

4 (b) Proper handling of meat or products of cat-
5 tle, sheep, swine, goats, horses, mules, or other
6 equines, or poultry products which may bear or con-
7 tain human pathogens is necessary to prevent
8 foodborne illness.

9 (c) Livestock and poultry producers, handlers,
10 processors, distributors, transporters, and retailers
11 all share responsibility in handling livestock, meat,
12 meat food products, poultry, and poultry products in
13 such a way as to protect the public health.

14 (d) The distribution of meat, meat food prod-
15 ucts, poultry, or poultry products which could be in-
16 jurious to the public health because they contain
17 human pathogens, would impair the effective regula-
18 tion of wholesome meat, meat food products, poul-
19 try, or poultry products in interstate and foreign
20 commerce and would destroy markets for wholesome
21 products.

22 (e) In order to reduce the risk of foodborne ill-
23 nesses and protect public health, a concerted effort
24 is required on the part of regulatory authorities and
25 all parties involved in the production and handling

1 of meat, meat food products, poultry, or poultry
2 products to address the problem of microbial con-
3 tamination using the best available scientific infor-
4 mation and appropriate technology.

5 (f) All articles and other animals which are sub-
6 ject to this Act are either in interstate or foreign
7 commerce or substantially affect such commerce,
8 and regulation by the Secretary of Agriculture and
9 cooperation by the States as contemplated by this
10 Act are necessary to prevent or eliminate burdens
11 upon such commerce and to protect the health and
12 welfare of consumers.

13 AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT

14 SEC. 102. The Federal Meat Inspection Act (21
15 U.S.C. 601, et seq.) is amended:

16 (1) In section 1 (21 U.S.C. 601), by adding a
17 definition of “official establishment” to read as fol-
18 lows:

19 “(w) The term ‘official establishment’ means any es-
20 tablishment as determined by the Secretary at which in-
21 spection of the slaughter of cattle, sheep, swine, goats,
22 mules, and other equines, or the processing of meat and
23 meat food products of such animals, is maintained under
24 authority of this Act.”;

25 (2) In section 3(a) (21 U.S.C. 603(a)), by in-
26 serting “on the basis of the best available scientific

1 and technologic data, and evaluation of the risks
2 posed to public health and safety,” after the words
3 “That hereafter,”.

4 (3) In section 4 (21 U.S.C. 604), by inserting
5 “, on the basis of the best available scientific and
6 technologic data, and evaluation of the risks posed
7 to public health and safety,” after the words “That
8 for the purposes hereinbefore set forth”.

9 (4) In section 301(c)(1), (21 U.S.C. 661(c)(1)),
10 by inserting “or by thirty days prior to the expira-
11 tion of two years after enactment of the Pathogen
12 Reduction Act of 1994,” after the words “the
13 Wholesome Meat Act,”.

14 (5) In section 301(c), (21 U.S.C. 661(c)), by
15 deleting “titles I and IV”, “title I and title IV”, and
16 “title I and IV”, wherever they appear and inserting
17 in lieu thereof “titles I, IV, and V”.

18 (6) By adding at the end thereof a new title V
19 to read as follows:

20 “TITLE V—PATHOGEN REDUCTION

21 “SEC. 501. (a) The Secretary is directed upon the
22 basis of the best available scientific and technologic data,
23 as determined by the Secretary, to prescribe by regulation
24 such actions as the Secretary deems necessary to—

1 “(1) limit the presence of human pathogens in
2 cattle, sheep, swine, goats, horses, mules, or other
3 equines at the time they are presented for slaughter;

4 “(2) ensure that appropriate measures are
5 taken to control the presence and growth of human
6 pathogens on carcasses and parts thereof and on
7 meat or meat food products derived from such ani-
8 mals prepared in any official establishment;

9 “(3) ensure that all ready-to-eat meat or meat
10 food products prepared in any official establishment
11 preparing any such article for distribution in com-
12 merce are processed in such a manner as to destroy
13 any human pathogens likely to cause foodborne ill-
14 ness; and

15 “(4) ensure that meat and meat food products
16 other than those included in subsection (a)(3) of this
17 section prepared any official establishment preparing
18 any such article for distribution in commerce are la-
19 beled with instructions for handling and preparation
20 for consumption which, when adhered to, destroy
21 any human pathogens likely to cause foodborne ill-
22 ness.

23 “(b) Carcasses or parts thereof and meat or meat
24 food products prepared at any official establishment pre-
25 paring any such article for distribution in commerce which

1 are found not to be in compliance with the regulations pro-
2 mulgated under subsection (a)(2), (a)(3), or (a)(4) of this
3 section shall be considered adulterated and condemned
4 and shall, if no appeal be taken from such determination
5 of condemnation, be destroyed for human food purposes
6 under the supervision of an inspector: *Provided*, That car-
7 casses or parts thereof, and meat and meat food products
8 which are not in compliance with subsection (a)(2), (a)(3),
9 or (a)(4) of this section, but which may by processing, la-
10 beling, or both, as applicable, in accordance with sub-
11 section (a)(2), (a)(3), or (a)(4) of this section be made
12 not adulterated need not be condemned and destroyed if
13 so reprocessed, labeled, or both, as applicable and as de-
14 termined by the Secretary, under the supervision of an in-
15 spector and thereafter inspected and found to be not adul-
16 terated. If an appeal be taken from such determination
17 of condemnation, the carcasses or parts thereof, or meat
18 and meat food products shall be appropriately marked,
19 segregated and held by the official establishment pending
20 completion of an appeal inspection. If the determination
21 of condemnation is sustained, the carcasses or parts there-
22 of, and meat and meat food products if not so reprocessed,
23 labeled, or both, as applicable, as to be made not adulter-
24 ated shall be destroyed for human food purposes under

1 the supervision of a duly authorized representative of the
2 Secretary.

3 “(c) The Secretary shall, within two years of the en-
4 actment of this Act, issue regulations that—

5 “(1) require meat and meat food products pre-
6 pared in any official establishment to be tested, in
7 such manner and with such frequency as the Sec-
8 retary deems necessary, to identify human disease-
9 causing pathogens or markers for these pathogens in
10 the meat and meat food products;

11 “(2) require that the results of any test con-
12 ducted in accordance with subsection (c)(1) of this
13 section be reported to the Secretary, in such manner
14 and with such frequency as the Secretary deems nec-
15 essary;

16 “(3) establish, to the maximum extent scientif-
17 ically supportable, levels of human pathogens that,
18 when found on meat or meat food products prepared
19 in official establishments, constitute a threat to pub-
20 lic health. When making decisions regarding specific
21 human pathogen levels, the Secretary shall consider
22 the risk to human health, including the risk to in-
23 fants, the elderly, persons whose immune systems
24 are compromised, and other population subgroups,

1 posed by consumption of the meat or meat food
2 products containing the human pathogen; and

3 “(4) prohibit or restrict the sale, transpor-
4 tation, offer for sale or transportation, or receipt for
5 transportation of any meat or meat food products
6 that—

7 “(A) are capable of use as human food,
8 and

9 “(B) exceed the levels of human pathogens
10 established in accordance with subsection (c)(3)
11 of this section.

12 “(d)(1) The Secretary shall, as the Secretary deems
13 necessary and feasible, conduct or support appropriate re-
14 search regarding the establishment of levels of human
15 pathogens that when found on meat and meat food prod-
16 ucts prepared in official establishments constitute a threat
17 to public health and shall conduct studies to validate these
18 levels.

19 “(2) The Secretary is directed to review, on a regular
20 basis, all regulations, processes, procedures and methods
21 designed to limit and control human pathogens on car-
22 casses and parts thereof and on meat or meat food prod-
23 ucts. This on-gong review shall include, as necessary, epi-
24 demiologic and other scientific studies to ascertain the ef-

1 ficiency and efficacy of such regulations, processes, proce-
 2 dures and methods.

3 “(3) The Secretary shall consult with the Public
 4 Health Service, the Centers for Disease Control and Pre-
 5 vention, the Food and Drug Administration, and any other
 6 State or Federal public health agency the Secretary deems
 7 necessary in order to carry out subsections (c)(1), (c)(3),
 8 (d)(1), and (d)(2) of this section.

9 “NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING
 10 NONCONFORMING ARTICLES

11 “SEC. 502. (a) Any person, firm, or corporation pre-
 12 paring carcasses or parts thereof, meat or meat food prod-
 13 ucts for distribution in commerce which obtains knowledge
 14 providing a reasonable basis for believing that any car-
 15 casses or parts thereof or any meat or meat food prod-
 16 ucts—

17 “(1) are adulterated, or not produced in compli-
 18 ance with section 501(a) of this Act or the regula-
 19 tions promulgated thereunder; or

20 “(2) are misbranded, shall immediately notify
 21 the Secretary, in such manner and by such means
 22 as the Secretary may by regulation prescribe, of the
 23 identity and location of such articles.

24 “(b) If the Secretary finds, upon such notification or
 25 otherwise, that any carcasses or parts thereof or any meat
 26 or meat food products—

1 “(1) are adulterated or not produced in compli-
2 ance with section 501(a) of this Act or the regula-
3 tions promulgated thereunder and that there is a
4 reasonable probability that human consumption of
5 such articles present a threat to the public health,
6 as determined by the Secretary; or

7 “(2) are misbranded, the Secretary shall pro-
8 vide the appropriate person, firm, or corporation
9 with an opportunity to cease distribution of such ar-
10 ticles; notify all persons, firms, or corporations
11 transporting or distributing such articles or to which
12 such articles were shipped or sold to immediately
13 cease distribution of such articles; and to recall the
14 articles. If the person, firm, or corporation refuses
15 to voluntarily cease distribution, make notification,
16 and recall the articles or does not voluntarily cease
17 distribution, make notification, and recall the arti-
18 cles within the time or in the manner prescribed by
19 the Secretary, the Secretary shall immediately issue
20 an order requiring the person, firm, or corporation
21 (including the official establishment which prepared
22 the articles), as the Secretary deems necessary to:
23 immediately cease distribution of such articles; and
24 immediately notify all persons, firms, or corporations
25 transporting or distributing such articles or to which

1 such articles were shipped or sold to immediately
2 cease distribution of such articles. The order shall
3 provide any person, firm, or corporation subject to
4 the order with an opportunity for an informal hear-
5 ing, to be held not later than 5 days after the date
6 of the issuance of the order, on the actions required
7 by the order and on whether the order should be
8 amended to require recall of such articles. If, after
9 providing an opportunity for such a hearing, the
10 Secretary determines that inadequate grounds exist
11 to support the actions required by the order, the
12 Secretary shall vacate the order.

13 “(c) If, after providing an opportunity for an infor-
14 mal hearing under subsection (b) of this section, the Sec-
15 retary determines that the articles that are the subject of
16 an order under subsection (b) of this section must be re-
17 called, the Secretary shall amend the order to require a
18 recall. The Secretary shall—

19 “(1) specify a timetable in which the recall will
20 occur;

21 “(2) require periodic reports to the Secretary
22 describing the progress of the recall; and

23 “(3) provide for notice to consumers to whom
24 such articles were, or may have been distributed as
25 to how they should treat the article.

1 “LIVESTOCK TRACEBACK

2 “SEC. 503. (a) For the purpose of limiting the risk
3 of foodborne illness from carcasses and parts thereof and
4 meat and meat food products distributed in commerce, the
5 Secretary shall, as the Secretary deems necessary, pre-
6 scribe by regulation that cattle, sheep, swine, goats,
7 horses, mules, and other equines presented for slaughter
8 for human food purposes be identified in the manner pre-
9 scribed by the Secretary to enable the Secretary to trace
10 each animal to any premises at which it has been held
11 for such period prior to slaughter that the Secretary
12 deems necessary to effectuate the purposes of this Act.
13 The Secretary may prohibit or restrict entry into any
14 slaughtering establishment inspected under this Act of any
15 cattle, sheep, swine, goats, horses, mules, or other equines
16 not identified as prescribed by the Secretary.

17 “(b) The Secretary is authorized to require that all
18 persons, firms, and corporations required to identify live-
19 stock pursuant to subsection (a) of this section maintain
20 accurate records, as prescribed by the Secretary, regard-
21 ing the purchase, sale, and identification such livestock;
22 and all persons, firms, and corporations subject to such
23 requirements shall, at all reasonable times, upon notice by
24 a duly authorized representative of the Secretary, afford
25 such representative access to their places of business and

1 opportunity to examine the records thereof, and to copy
2 any such records. Any such record required to be main-
3 tained by this section shall be maintained for such period
4 of time as the Secretary prescribes.

5 “(c) No person, firm, or corporation shall falsify or
6 misrepresent to any other person, firm, or corporation, or
7 to the Secretary, any information as to any premises at
8 which any cattle, sheep, swine, goats, horses, mules, or
9 other equines, or carcasses thereof, were held.

10 “(d) No person, firm, or corporation shall, without
11 authorization from the Secretary, alter, detach, or destroy
12 any records or other means of identification prescribed by
13 the Secretary for use in determining the premises at which
14 were held any cattle, sheep, swine, goats, horses, mules,
15 or other equines, or the carcasses thereof.

16 “(e)(1) If the Secretary finds any human pathogen
17 or any residue in any cattle, sheep, swine, goats, horses,
18 mules, or other equines at the time they are presented for
19 slaughter or in any carcasses, parts of carcasses, meat,
20 or meat food product prepared in an official establishment
21 and the Secretary finds that there is a reasonable prob-
22 ability that human consumption of any meat or meat food
23 product containing the human pathogen or residue pre-
24 sents a threat to public health, the Secretary may take

1 such action as the Secretary deems necessary to determine
2 the source of the human pathogen or residue.

3 “(2) If the Secretary identifies the source of any
4 human pathogen or residue described in subsection (e)(1)
5 of this section, the Secretary is authorized to prohibit or
6 restrict the movement of any animals, carcasses, parts of
7 carcasses, meat, meat food product, or any other article
8 from any source of the human pathogen or residue until
9 the Secretary determines that the human pathogen or resi-
10 due at the source no longer presents a threat to public
11 health.

12 “(f)(1) The Secretary shall use any means of identi-
13 fication and recordkeeping methods utilized by producers
14 or handlers of cattle, sheep, swine, goats, horses, mules,
15 or other equines whenever the Secretary determines that
16 such means of identification and recordkeeping methods
17 will enable the Secretary to carry out the purposes of this
18 section.

19 “(2) The Secretary is authorized to cooperate with
20 producers or handlers of cattle, sheep, swine, goats,
21 horses, mules, or other equines, in which any human
22 pathogen or residue described in subsection (e)(1) of this
23 section is found, to develop and implement methods to
24 limit or eliminate the human pathogen or residue at the
25 source.

1 “REFUSAL OR WITHDRAWAL OF INSPECTION

2 “SEC. 504. (a) The Secretary may for such period,
3 or indefinitely, as the Secretary deems necessary to effec-
4 tuate the purposes of this Act, refuse to provide, or with-
5 draw, inspection service under title I of this Act with re-
6 spect to any official establishment if the Secretary deter-
7 mines, after opportunity for a hearing is accorded to the
8 applicant for, or recipient of, such service, that the appli-
9 cant or recipient, or any person responsibly connected with
10 the applicant or recipient, has repeatedly failed to comply
11 with the requirements of this Act or the regulations pro-
12 mulgated thereunder.

13 “(b) The Secretary may direct that, pending oppor-
14 tunity for an expedited hearing with respect to any refusal
15 or withdrawal of inspection service and the final deter-
16 mination and order under subsection (a) of this section
17 and any judicial review thereof, inspection service shall be
18 denied or suspended if the Secretary deems such action
19 necessary in the public interest in order to protect the
20 health or welfare of consumers or to assure the safe and
21 effective performance of official duties under this Act.

22 “(c) The determination and order of the Secretary
23 with respect to withdrawal or refusal of inspection service
24 under this section shall be final and conclusive unless the
25 affected applicant for, or recipient of, inspection service

1 files application for judicial review within 30 days after
2 the effective date of the order; and inspection service shall
3 be withdrawn or refused as of the effective date of the
4 order pending any judicial review of the order unless the
5 Secretary directs otherwise. Judicial review of any such
6 order shall be in the United States Court of Appeals for
7 the circuit in which the applicant for, or recipient of, in-
8 spection service has its principal place of business or in
9 the United States Court of Appeals for the District of Co-
10 lumbia Circuit and shall be upon the record upon which
11 the determination and order are based. The provisions of
12 section 204 of the Packers and Stockyards Act, 1921 (42
13 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
14 to appeals taken under this section.

15 “(d) The provisions of this section shall be in addition
16 to and not derogate from any other provision of this Act
17 for refusal, withdrawal, or suspension of inspection service
18 under title I of this Act.

19 “CIVIL PENALTIES

20 “SEC. 505. (a) Any person, firm, or corporation
21 which violates any provision of this Act, any regulation
22 issued under this Act, or any order issued under section
23 502(b) or (c) of this Act may be assessed a civil penalty
24 by the Secretary of not more than \$100,000 per day of
25 violation. Each offense shall be a separate violation. No
26 penalty shall be assessed unless such person, firm, or cor-

1 poration is given notice and opportunity for a hearing on
2 the record before the Secretary in accordance with sections
3 554 and 556 of title 5, United States Code. The amount
4 of such civil penalty shall be assessed by the Secretary
5 by written order, taking into account the gravity of the
6 violation, degree of culpability, and history of prior of-
7 fenses; and may be reviewed only as provided in subsection
8 (b) of this section.

9 “(b) Any person, firm, or corporation against whom
10 such violation is found and a civil penalty assessed by
11 order of the Secretary under subsection (a) of this section
12 may obtain review in the Court of Appeals of the United
13 States for the circuit in which such party resides or has
14 a place of business or in the United States Court of Ap-
15 peals for the District of Columbia Circuit by filing a notice
16 of appeal in such Court within 30 days from the date of
17 such order and by simultaneously sending a copy of such
18 notice by certified mail to the Secretary. The Secretary
19 shall promptly file in such Court a certified copy of the
20 record upon which such violation was found and such pen-
21 alty assessed. The findings of the Secretary shall be set
22 aside only if found to be unsupported by substantial evi-
23 dence on the record as a whole.

24 “(c) If any person, firm, or corporation fails to pay
25 an assessment of a civil penalty after it has become a final

1 and unappealable order, or after the appropriate Court of
2 Appeals has entered final judgment in favor of the Sec-
3 retary, the Secretary shall refer the matter to the Attorney
4 General, who shall institute a civil action to recover the
5 amount assessed in any appropriate district court of the
6 United States. In such collection action, the validity and
7 appropriateness of the Secretary's order imposing the civil
8 penalty shall not be subject to review.

9 “(d) All penalties collected under authority of this
10 section shall be paid into the Treasury of the United
11 States.

12 “(e) Nothing in this Act shall be construed as requir-
13 ing the Secretary to report for criminal prosecution or for
14 the institution of libel or injunction proceedings, violations
15 of this Act, whenever the Secretary believes that the public
16 interest will be adequately served by assessment of civil
17 penalties. Furthermore, the Secretary may, in the Sec-
18 retary's discretion, compromise, modify, or remit, with or
19 without conditions, any civil penalty assessed under this
20 section.”.

21 AMENDMENTS TO THE POULTRY PRODUCTS INSPECTION
22 ACT

23 SEC. 103. The Poultry Products Inspection Act (21
24 U.S.C. 451 et seq.) is amended:

1 (1) In section 5(c) (21 U.S.C. 454(c)), by delet-
2 ing “and 12–22 of this Act” and inserting in lieu
3 thereof “12–22, and 30–34 of this Act”.

4 (2) In section 5(c)(1) (21 U.S.C. 454(c)(1)), by
5 inserting “or by thirty days prior to the expiration
6 of two years after enactment of the Pathogen Re-
7 duction Act of 1994,” after the words “the Whole-
8 some Poultry Products Act,”.

9 (3) In section 6(a) (21 U.S.C. 455(a)), by in-
10 serting “on the basis of the best available scientific
11 and technologic data, and evaluation of the risks
12 posed to public health and safety,” after the word
13 “necessary”.

14 (4) In section 6(b) (21 U.S.C. 455(b)), by in-
15 serting “on the basis of the best available scientific
16 and technologic data, and evaluation of the risks
17 posed to public health and safety,” after the words
18 “The Secretary,”.

19 (5) By adding at the end thereof new sections
20 30 through 34 as follows:

21 “PATHOGEN REDUCTION

22 “SEC. 30. (a) The Secretary is directed upon the
23 basis of the best available scientific and technologic data,
24 as determined by the Secretary, to prescribe by regulation
25 such actions as the Secretary deems necessary to—

1 “(1) limit the presence of human pathogens in
2 poultry at the time they are presented for slaughter;

3 “(2) ensure that appropriate means are taken
4 to control the presence and growth of human patho-
5 gens on poultry or poultry products prepared in any
6 official establishment;

7 “(3) ensure that all ready-to-eat poultry and
8 poultry products prepared in any official establish-
9 ment preparing any such article for distribution in
10 commerce are processed in such a manner as to de-
11 stroy any human pathogens likely to cause foodborne
12 illness; and

13 “(4) ensure that poultry and poultry products
14 other than those included in subsection (a)(3) of this
15 section prepared at any official establishment pre-
16 paring any such article for distribution in commerce
17 are labeled with instructions for handling and prepa-
18 ration for consumption which, when adhered to, de-
19 stroy any human pathogens likely to cause foodborne
20 illness.

21 “(b) Poultry or poultry products prepared at any offi-
22 cial establishment preparing any such article for distribu-
23 tion in commerce which are found not to be in compliance
24 with the regulations promulgated under subsection (a)(2),
25 (a)(3), or (a)(4) of this section shall be considered adulter-

1 ated and condemned and shall, if no appeal be taken from
2 such determination of condemnation, be destroyed for
3 human food purposes under the supervision of an inspec-
4 tor: *Provided*, That poultry and poultry products which are
5 not in compliance with subsection (a)(2), (a)(3), or (a)(4)
6 of this section but which may by reprocessing, labeling,
7 or both, as applicable, in accordance with subsection
8 (a)(2), (a)(3), or (a)(4) of this section be made not adul-
9 terated need not be condemned and destroyed if so repro-
10 cessed, labeled, or both, as applicable and as determined
11 by the Secretary, under the supervision of an inspector
12 and thereafter inspected and found to be not adulterated.
13 If an appeal be taken from such determination of con-
14 demnation, the poultry or poultry products shall be appro-
15 priately marked, segregated, and held by the official estab-
16 lishment pending completion of an appeal inspection. If
17 the determination of condemnation is sustained, the poul-
18 try and poultry products if not so reprocessed, labeled, or
19 both, as applicable, as to be made not adulterated shall
20 be destroyed for human food purposes under the super-
21 vision of a duly authorized representative of the Secretary.

22 “(c) The Secretary shall, within two years of the en-
23 actment of this Act, issue regulations that—

24 “(1) require poultry and poultry products pre-
25 pared in any official establishment to be tested, in

1 such manner and with such frequency as the Sec-
2 retary deems necessary, to identify human disease-
3 causing pathogens or markers for these pathogens in
4 the poultry and poultry products;

5 “(2) require that the results of any test con-
6 ducted in accordance with subsection (c)(1) of this
7 section be reported to the Secretary, in such manner
8 and with such frequency as the Secretary deems nec-
9 essary;

10 “(3) establish, to the maximum extent scientif-
11 ically supportable, levels of human pathogens that,
12 when found on poultry and poultry products pre-
13 pared in official establishments, constitute a threat
14 to public health. When making decisions regarding
15 specific human pathogen levels, the Secretary shall
16 consider the risk to human health, including the risk
17 to infants, the elderly, persons whose immune sys-
18 tems are compromised, and other population
19 subgroups, posed by consumption of the poultry or
20 poultry products containing the human pathogen;
21 and

22 “(4) prohibit or restrict the sale, transpor-
23 tation, offer for sale or transportation, or receipt for
24 transportation of any poultry or poultry products
25 that—

1 “(A) are capable of use as human food,
2 and

3 “(B) exceed the levels of human pathogens
4 established in accordance with subsection (c)(3)
5 of this section.

6 “(d)(1) The Secretary shall, as the Secretary deems
7 necessary and feasible, conduct or support appropriate re-
8 search regarding the establishment of levels of human
9 pathogens that when found on poultry and poultry prod-
10 ucts prepared in official establishments constitute a threat
11 to public health and shall conduct studies to validate these
12 levels.

13 “(2) The Secretary is directed to review, on a regular
14 basis, all regulations, processes, procedures and methods
15 designed to limit and control human pathogens on poultry
16 and poultry products. This ongoing review shall include,
17 as necessary, epidemiologic and other scientific studies to
18 ascertain the efficiency and efficacy of such regulations,
19 processes, procedures and methods.

20 “(3) The Secretary shall consult with the Public
21 Health Service, the Centers for Disease Control and Pre-
22 vention, the Food and Drug Administration, and any other
23 State or Federal public health agency the Secretary deems
24 necessary in order to carry out subsections (c)(1), (c)(3),
25 (d)(1), and (d)(2) of this section.

1 “NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING
2 NONCONFORMING ARTICLES

3 “SEC. 31. (a) Any person preparing poultry or poul-
4 try products for distribution in commerce which obtains
5 knowledge providing a reasonable basis for believing that
6 any poultry or poultry products—

7 “(1) are adulterated or not produced in compli-
8 ance with section 30(a) of this Act or the regulations
9 promulgated thereunder; or

10 “(2) are misbranded, shall immediately notify
11 the Secretary, in such manner and by such means
12 as the Secretary may by regulation prescribe, of the
13 identity and location of such poultry or poultry prod-
14 ucts.

15 “(b) If the Secretary finds, upon such notification or
16 otherwise, that any poultry or poultry products—

17 “(1) are adulterated or not produced in compli-
18 ance with section 30(a) of this Act or the regulations
19 promulgated thereunder and that there is a reason-
20 able probability that human consumption of such ar-
21 ticles present a threat to the public health, as deter-
22 mined by the Secretary; or

23 “(2) are misbranded, the Secretary shall pro-
24 vide the appropriate person with an opportunity to
25 cease distribution of such articles; notify all persons,

1 firms, or corporations transporting or distributing
2 such articles or to which such articles were shipped
3 or sold to immediately cease distribution of such ar-
4 ticles; and to recall the articles. If the person refuses
5 to voluntarily cease distribution, make notification,
6 and recall the articles or does not voluntarily cease
7 distribution, make notification, and recall the arti-
8 cles within the time or in the manner prescribed by
9 the Secretary, the Secretary shall immediately issue
10 an order requiring the person (including the official
11 establishment which prepared the articles), as the
12 Secretary deems necessary to: immediately cease dis-
13 tribution of such articles; and immediately notify all
14 persons, firms, or corporations transporting or dis-
15 tributing such articles or to which such articles were
16 shipped or sold to immediately cease distribution of
17 such articles. The order shall provide any person
18 subject to the order with an opportunity for an in-
19 formal hearing, to be held not later than 5 days
20 after the date of the issuance of the order, on the
21 actions required by the order and on whether the
22 order should be amended to require recall of such
23 articles. If, after providing an opportunity for such
24 a hearing, the Secretary determines that inadequate

1 grounds exist to support the actions required by the
2 order, the Secretary shall vacate the order.

3 “(c) If, after providing an opportunity for an infor-
4 mal hearing under subsection (b) of this section, the Sec-
5 retary determines that the articles that are the subject of
6 an order under subsection (b) of this section must be re-
7 called, the Secretary shall amend the order to require a
8 recall. The Secretary shall—

9 “(1) specify a timetable in which the recall will
10 occur;

11 “(2) require periodic reports to the Secretary
12 describing the progress of the recall; and

13 “(3) provide for notice to consumers to whom
14 such articles were, or may have been, distributed as
15 to how they should treat the article.

16 “POULTRY TRACEBACK

17 “SEC. 32. (a) For the purpose of limiting the risk
18 of foodborne illness from poultry and poultry products dis-
19 tributed in commerce, the Secretary shall, as the Secretary
20 deems necessary, prescribe by regulation that poultry pre-
21 sented for slaughter for human food purposes be identified
22 in the manner prescribed by the Secretary to enable the
23 Secretary to trace each bird to any premises at which it
24 has been held for such period prior to slaughter that the
25 Secretary deems necessary to effectuate the purposes of
26 this Act. The Secretary may prohibit or restrict entry into

1 any slaughtering establishment inspected under this Act
2 of any poultry not identified as prescribed by the Sec-
3 retary.

4 “(b) The Secretary is authorized to require that all
5 persons required to identify poultry pursuant to subsection
6 (a) of this section, maintain accurate records, as pre-
7 scribed by the Secretary, regarding the purchase, sale, and
8 identification of such poultry; and all persons subject to
9 such requirements shall, at all reasonable times, upon no-
10 tice by a duly authorized representative of the Secretary,
11 afford such representative access to their places of busi-
12 ness and opportunity to examine the records thereof, and
13 to copy any such records. Any such record required to be
14 maintained by this section shall be maintained for such
15 period of time as the Secretary prescribes.

16 “(c) No person shall falsify or misrepresent to any
17 other person or to the Secretary, any information as to
18 any premises at which any poultry, or the carcasses there-
19 of, were held.

20 “(d) No person shall, without authorization from the
21 Secretary, alter, detach, or destroy any records or other
22 means of identification prescribed by the Secretary for use
23 in determining the premises at which were held any poul-
24 try or carcasses thereof.

1 “(e)(1) If the Secretary finds any human pathogen
2 or any residue in any poultry at the time they are pre-
3 sented for slaughter or in any poultry carcasses, parts of
4 poultry carcasses, or poultry products prepared in an offi-
5 cial establishment and the Secretary finds that there is
6 a reasonable probability that human consumption of any
7 poultry or poultry product containing the human pathogen
8 or residue presents a threat to public health, the Secretary
9 may take such action as the Secretary deems necessary
10 to determine the source of the human pathogen or residue.

11 “(2) If the Secretary identifies the source of any
12 human pathogen or residue described in subsection (e)(1)
13 of this section, the Secretary is authorized to prohibit or
14 restrict the movement of any poultry, poultry carcasses,
15 parts of poultry carcasses, poultry product, or any other
16 article from any source of the human pathogen or residue
17 until the Secretary determines that the human pathogen
18 or residue at the source no longer presents a threat to
19 public health.

20 “(f)(1) The Secretary shall use any means of identi-
21 fication and recordkeeping methods utilized by producers
22 or handlers of poultry whenever such means of identifica-
23 tion and recordkeeping methods will enable the Secretary
24 to carry out the purposes of this section.

1 “(2) The Secretary is authorized to cooperate with
2 producers or handlers of poultry, in which any human
3 pathogen or residue described in subsection (e)(1) of this
4 section is found, to develop and implement methods to
5 limit or eliminate the human pathogen or residue at the
6 source.

7 “REFUSAL OR WITHDRAWAL OF INSPECTION

8 “SEC. 33. (a) The Secretary may for such period, or
9 indefinitely, as the Secretary deems necessary to effec-
10 tuate the purposes of this Act, refuse to provide, or with-
11 draw, inspection service under this Act with respect to any
12 official establishment if the Secretary determines, after
13 opportunity for a hearing is accorded to the applicant for,
14 or recipient of, such service, that the applicant or recipi-
15 ent, or any person responsibly connected with the appli-
16 cant or recipient, has repeatedly failed to comply with the
17 requirements of this Act or the regulations promulgated
18 thereunder.

19 “(b) The Secretary may direct that, pending oppor-
20 tunity for an expedited hearing with respect to any refusal
21 or withdrawal of inspection service and the final deter-
22 mination and order under subsection (a) of this section
23 and any judicial review thereof, inspection service shall be
24 denied or suspended if the Secretary deems such action
25 necessary in the public interest in order to protect the

1 health or welfare of consumers or to assure the safe and
2 effective performance of official duties under this Act.

3 “(c) The determination and order of the Secretary
4 with respect to withdrawal or refusal of inspection service
5 under this section shall be final and conclusive unless the
6 affected applicant for, or recipient of, inspection service
7 files application for judicial review within 30 days after
8 the effective date of the order; and inspection service shall
9 be withdrawn or refused as of the effective date of the
10 order pending any judicial review of the order unless the
11 Secretary directs otherwise. Judicial review of any such
12 order shall be in the United States Court of Appeals for
13 the circuit in which the applicant for, or recipient of, in-
14 spection service has its principal place of business or in
15 the United States Court of Appeals for the District of Co-
16 lumbia Circuit and shall be upon the record upon which
17 the determination and order are based. The provisions of
18 section 204 of the Packers and Stockyards Act, 1921 (42
19 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
20 to appeals taken under this section.

21 “(d) The provisions of this section shall be in addition
22 to and not derogate from any other provision of this Act
23 for refusal, withdrawal, or suspension of inspection service
24 under this Act.

1 “CIVIL PENALTIES

2 “SEC. 34. (a) Any person which violates any provision
3 of this Act, any regulation issued under this Act, or any
4 order issued under section 31 (b) or (c) of this Act may
5 be assessed a civil penalty by the Secretary of not more
6 than \$100,000 per day of violation. Each offense shall be
7 a separate violation. No penalty shall be assessed unless
8 such person is given notice and opportunity for a hearing
9 on the record before the Secretary in accordance with sec-
10 tions 554 and 556 of title 5, United States Code. The
11 amount of such civil penalty shall be assessed by the Sec-
12 retary by written order, taking into account the gravity
13 of the violation, degree of culpability, and history of prior
14 offenses; and may be reviewed only as provided in sub-
15 section (b) of this section.

16 “(b) Any person against whom such violation is found
17 and a civil penalty assessed by order of the Secretary
18 under subsection (a) of this section may obtain review in
19 the Court of Appeals of the United States for the circuit
20 in which such party resides or has a place of business or
21 in the United States Court of Appeals of the District of
22 Columbia Circuit by filing a notice of appeal in such Court
23 within 30 days from the date of such order and by simul-
24 taneously sending a copy of such notice by certified mail
25 to the Secretary. The Secretary shall promptly file in such

1 Court a certified copy of the record upon which such viola-
2 tion was found and such penalty assessed. The findings
3 of the Secretary shall be set aside only if found to be un-
4 supported by substantial evidence on the record as a
5 whole.

6 “(c) If any person fails to pay an assessment of a
7 civil penalty after it has become a final and unappealable
8 order, or after the appropriate Court of Appeals has en-
9 tered final judgment in favor of the Secretary, the Sec-
10 retary shall refer the matter to the Attorney General, who
11 shall institute a civil action to recover the amount assessed
12 in any appropriate district court of the United States. In
13 such collection action, the validity and appropriateness of
14 the Secretary’s order imposing the civil penalty shall not
15 be subject to review.

16 “(d) All penalties collected under authority of this
17 section shall be paid into the Treasury of the United
18 States.

19 “(e) Nothing in this Act shall be construed as requir-
20 ing the Secretary to report for criminal prosecution or for
21 the institution of libel or injunction proceedings, violations
22 of this Act, whenever the Secretary believes that the public
23 interest will be adequately served by assessment of civil
24 penalties. Furthermore, the Secretary may, in the Sec-
25 retary’s discretion, compromise, modify, or remit, with or

1 without conditions, any civil penalty assessed under this
2 section.

3 TITLE II

4 SEC. 201. Section 1 of the Act of July 2, 1962 (21
5 U.S.C. 134), is amended by adding a new subsection (e)
6 to read:

7 “(e) The term ‘disease’ means any disease of livestock
8 or poultry, both infectious and non-infectious, and any
9 other health-related condition that may be transmitted by
10 livestock or poultry or their products to other animals or
11 humans.”.

12 SEC. 202. Section 2(a) of the Act of July 2, 1962
13 (21 U.S.C. 134a(a)), is amended to read:

14 “(a) Whenever the Secretary deems it necessary in
15 order to prevent the introduction or dissemination of a dis-
16 ease, the Secretary may seize, quarantine, and dispose of,
17 in a reasonable manner taking into consideration the na-
18 ture of the disease and the necessity of such action to pro-
19 tect the livestock or poultry of the United States, or the
20 health of the people of the United States because the dis-
21 ease may be transmitted by livestock or poultry or their
22 products: (1) any animals which the Secretary finds are
23 moving or are being handled or have moved or have been
24 handled in interstate or foreign commerce contrary to any
25 law or regulation administered by the Secretary for the

1 prevention of the introduction or dissemination of any dis-
2 ease; (2) any animals which the Secretary finds are mov-
3 ing into the United States, or interstate, and are affected
4 with or have been exposed to any disease; and (3) any
5 animals which the Secretary finds have moved into the
6 United States, or interstate, and, at the time of such
7 movement, were affected with or exposed to any disease.”.

8 SEC. 203. Section 2(e) of the Act of July 2, 1962
9 (21 U.S.C. 134a(e)), is amended to read:

10 “(e) No such payment shall be made by the Secretary
11 for any animal, carcass, product, or article which has been
12 moved or handled by the owner thereof or the owner’s
13 agent in violation of a law or regulation administered by
14 the Secretary for the prevention of the interstate dissemi-
15 nation of disease, for which the animal, carcass, product,
16 or article was destroyed or a law or regulation for the en-
17 forcement of which the Secretary enters or has entered
18 into a cooperative agreement for the control and eradi-
19 cation of disease, or for any animal which has moved into
20 the United States contrary to such law or regulation ad-
21 ministered by the Secretary for the prevention of the intro-
22 duction of a disease.”.

23 SEC. 204. Section 3 of the Act of July 2, 1962 (21
24 U.S.C. 134b), is amended to read: “The Secretary, in
25 order to protect the health of the livestock or poultry of

1 the United States, and the health of the people of the
2 United States because the disease may be transmitted by
3 livestock or poultry or their products, may promulgate reg-
4 ulations requiring that railway cars; vessels; airplanes;
5 trucks; and other means of conveyance; stockyards; feed,
6 water, and rest stations; and other facilities, used in con-
7 nection with the movement of animals into or from the
8 United States, or interstate, be maintained in a clean and
9 sanitary condition, including requirements for inspection,
10 cleaning, and disinfection.”.

11 SEC. 205. Section 4 of the Act of July 2, 1962 (21
12 U.S.C. 134c), is amended to read: “The Secretary is au-
13 thorized to promulgate regulations prohibiting or regulat-
14 ing the movement into the United States of any animals
15 which are or have been affected with or exposed to any
16 disease, or which have been vaccinated or otherwise treat-
17 ed for any disease, or which the Secretary finds would oth-
18 erwise be likely to introduce or disseminate any disease,
19 when the Secretary determines that such action is nec-
20 essary to protect the livestock or poultry of the United
21 States, or to protect the health of the people of the United
22 States because the disease may be transmitted by livestock
23 or poultry or their products.”.

24 SEC. 206. Section 5 of the Act of July 2, 1962 (21
25 U.S.C. 134d), is amended to read: “Employees of the De-

1 partment of Agriculture designated by the Secretary for
2 the purpose, when properly identified, shall have author-
3 ity: (1) to stop and inspect, without a warrant, any person
4 or means of conveyance, moving into the United States
5 from a foreign country, to determine whether such person
6 or means of conveyance is carrying any animal, carcass,
7 product, are article regulated or subject to disposal under
8 any law or regulation administered by the Secretary for
9 prevention of the introduction or dissemination of any dis-
10 ease; (2) to stop and inspect, without a warrant, any
11 means of conveyance moving interstate upon probable
12 cause to believe the means of conveyance is carrying any
13 animal, carcass, product, or article regulated or subject
14 to disposal under any law or regulation administered by
15 the Secretary for the prevention of the introduction or dis-
16 semination of any disease; and (3) to enter upon, with a
17 warrant, any premises for the purpose of making inspec-
18 tions and seizures necessary under any laws or regulation
19 administered by the Secretary for the prevention of the
20 introduction or dissemination of any disease. Any Federal
21 judge, or any judge of a court of record in the United
22 States, or any United States Commissioner, may, within
23 such Commissioner's jurisdiction, upon proper oath or af-
24 firmation indicating probable cause to believe that there
25 is on certain premises any animal, carcass, product, or ar-

1 ticle regulated or subject to disposal under any law or reg-
2 ulation administered by the Secretary for the prevention
3 of the introduction or dissemination of any disease, issue
4 warrants for the entry upon such premises and for inspec-
5 tions and seizures necessary under such laws and regula-
6 tions. Warrants may be executed by any authorized em-
7 ployee of the Department of Agriculture.”.

8 SEC. 207. Section 6 of the Act of August 30, 1890,
9 as amended (21 U.S.C. 104), is amended to read:

10 “(a) The Secretary of Agriculture is authorized to
11 prohibit or restrict the importation of animals which are
12 affected with disease or which have been exposed to dis-
13 ease prior to their importation into the United States.

14 “(b) Any person who knowingly violates any provision
15 of this section or sections 7 through 10 of this Act or any
16 regulation prescribed by the Secretary of Agriculture
17 under any such section shall be guilty of a misdemeanor
18 and shall, on conviction, be punished by a fine not exceed-
19 ing \$5,000, by imprisonment not exceeding one year, or
20 both. Any person who violates any such provision or any
21 such regulation may be assessed a civil penalty by the Sec-
22 retary of Agriculture not exceeding \$1,000. The Secretary
23 of Agriculture may issue an order assessing such civil pen-
24 alty only after notice and an opportunity for an agency
25 hearing on the record. The order shall be treated as a final

1 order reviewable under chapter 158 of Title 28. The valid-
2 ity of the order may not be reviewed in an action to collect
3 the civil penalty.

4 “(c) For the purposes of this Act the word ‘disease’
5 means any disease of livestock or poultry, both infectious
6 and noninfectious, and any other health-related condition
7 that may be transmitted by livestock or poultry or their
8 products to other animals or humans.”.

9 SEC. 208. Section 8 of the Act of August 30, 1890
10 (21 U.S.C. 103), is amended to read:

11 “(a) The Secretary of Agriculture is authorized to re-
12 quire animals to be imported into ports in the United
13 States designated by the Secretary of Agriculture, with the
14 approval of the Secretary of the Treasury, as quarantine
15 stations. If any animals required by the Secretary of Agri-
16 culture to be imported into ports designated as quarantine
17 stations are brought to any port of the United States
18 where no quarantine station is established, the Secretary
19 of Agriculture may require the animals to be moved to
20 the nearest quarantine station at the expense of owner of
21 the animals under such conditions as the Secretary of Ag-
22 riculture determines necessary to prevent the spread of
23 disease.

24 “(b) The Secretary of Agriculture may destroy ani-
25 mals which the Secretary of Agriculture finds to be af-

1 fected with or exposed to a disease dangerous to other ani-
2 mals, or to the health of the people of the United States
3 because the disease may be transmitted by livestock or
4 poultry or their products.

5 “(c) Except as provided in subsection (d) of this sec-
6 tion, the Secretary of Agriculture shall compensate the
7 owner of animals destroyed in accordance with subsection
8 (b) of this section which are exposed to disease, but not
9 affected with disease. Such compensation shall be based
10 upon the fair market value of the animal at the time of
11 destruction as determined by the Secretary of Agriculture.
12 Compensation paid any owner under this subsection shall
13 not include anticipated profits and shall not exceed the
14 difference between any compensation received by the
15 owner of the animals from any other source and the fair
16 market value of the animal at the time of destruction.
17 Funds in the Treasury available for carrying out animal
18 disease control activities of the Department of Agriculture
19 shall be used to compensate owners of animals destroyed
20 in accordance with subsection (b) of this section.

21 “(d) No payment shall be made by the Secretary of
22 Agriculture for animals destroyed in accordance with sub-
23 section (b) of this section if the animal has been imported
24 in violation of any law or regulation administered by the

1 Secretary of Agriculture for the prevention of the intro-
2 duction or dissemination of any disease.”.

3 SEC. 209. Section 1 of the Act of February 2, 1903,
4 as amended (21 U.S.C. 121), is amended to read:

5 “(a) Whenever the Secretary of Agriculture issues a
6 certificate showing that the Secretary of Agriculture had
7 inspected any livestock and/or live poultry which were
8 about to be exported from the United States or moved
9 interstate, and had found them free of any disease, such
10 animals, so inspected and certified, may be transported
11 into and through any State, or they may be exported from
12 the United States without further inspection or the exac-
13 tion of fees of any kind, except such as may at anytime
14 be ordered or exacted by the Secretary of Agriculture; and
15 all such animals shall at all times be under control and
16 supervision of the Secretary of Agriculture for the pur-
17 poses of such inspection.

18 “(b) For the purposes of this Act, the word ‘disease’
19 means any disease of livestock or poultry, both infectious
20 and non-infectious, and any other health-related condition
21 that may be transmitted by livestock or poultry or their
22 products to other animals or humans.

23 “(c) for the purposes of this Act, the word ‘State’
24 means any of the several States of the United States, the
25 Commonwealth of the Northern Mariana Islands, the

1 Commonwealth of Puerto Rico, the District of Columbia,
2 Guam, the Virgin Islands of the United States, or any
3 other territory or possession of the United States.”.

4 SEC. 210. Section 2 of the Act of February 2, 1903,
5 as amended (21 U.S.C. 111), is amended to read:

6 “(a) The Secretary of Agriculture is authorized to
7 make such regulations and take such measures as the Sec-
8 retary of Agriculture deems necessary to prevent the intro-
9 duction or dissemination of any disease from a foreign
10 country into the United States or from one State to an-
11 other.

12 “(b) The Secretary of Agriculture is authorized to
13 seize, quarantine, and dispose of any hay, straw, forage,
14 or similar material, or any meats, hides, or other animal
15 products coming from a foreign country in which disease
16 exists to the United States, or from one State in which
17 disease exists to another State, whenever in the Secretary
18 of Agriculture’s judgment such action is advisable in order
19 to prevent the introduction or spread of disease.”.

20 SEC. 211. Section 3 of the Act of May 29, 1884, as
21 amended (21 U.S.C. 114), is amended to read:

22 “(a) The Secretary of Agriculture is authorized to
23 prepare regulations for the speedy and effectual suppres-
24 sion and eradication of diseases, and to certify such regu-
25 lations to the executive authority of each State, and invite

1 these executive authorities to cooperate in the execution
2 and enforcement of this Act and section 2 of the Act of
3 February 2, 1903. Whenever the plans and methods of
4 the Secretary of Agriculture shall be accepted by any State
5 in which a disease is declared to exist, or any State shall
6 have adopted plans and methods for the suppression and
7 eradication of diseases, and the State plans and methods
8 are accepted by the Secretary of Agriculture, and when-
9 ever the Governor of a State or other properly constituted
10 authorities signify their readiness to cooperate for the sup-
11 pression or eradication of any disease in conformity with
12 this Act and section 2 of the Act of February 2, 1903,
13 the Secretary of Agriculture is authorized to expend so
14 much of the money appropriated for carrying out this Act
15 and section 2 of the Act of February 2, 1903, as may
16 be necessary in such investigations, and in such disinfec-
17 tion and quarantine measures as may be necessary to pre-
18 vent the spread of the disease from one state into another.

19 “(b) For the purposes of this Act, the word ‘disease’
20 means any disease of livestock or poultry, both infectious
21 and non-infectious, and any other health-related condition
22 that may be transmitted by livestock or poultry or their
23 products to other animals or humans.”

24 “(c) For the purposes of this section, the word ‘State’
25 means any of the several States of the United States, the

1 Commonwealth of the Northern Mariana Islands, the
2 Commonwealth of Puerto Rico, the District of Columbia,
3 Guam, the Virgin Islands of the United States, or any
4 other territory or possession of the United States.”.

5 SEC. 212. Section 4 of the Act of May 29, 1884, as
6 amended (21 U.S.C. 112), is amended to read: “In order
7 to promote the exportation of livestock and/or live poultry
8 from the United States, the Secretary of Agriculture is
9 authorized to investigate the existence of any disease,
10 along the dividing lines between the United States and for-
11 eign countries, and along the lines of transportation from
12 all parts of the United States to ports from which livestock
13 and/or live poultry are exported, and may establish regula-
14 tions concerning the exportation and transportation of
15 livestock and/or live poultry as the results of the investiga-
16 tions may require.”.

17 SEC. 213. Section 5 of the Act of May 29, 1884, as
18 amended (21 U.S.C. 113), is amended to read: “In order
19 to prevent the exportation from the United States to any
20 foreign country of livestock and/or live poultry affected
21 with disease or exposed to disease, the Secretary of Agri-
22 culture is authorized to take such steps and adopt such
23 measures, as the Secretary of Agriculture may deem nec-
24 essary.”.

1 SEC. 214. Sections 4 and 5 of the Act of May 29,
2 1884, as amended (21 U.S.C. 120), are amended to read:

3 “(a) In order to enable the Secretary of Agriculture
4 to effectually suppress and eradicate diseases, and to pre-
5 vent the spread of diseases, the Secretary of Agriculture
6 is authorized to establish such regulations concerning the
7 exportation and transportation of livestock and/or live
8 poultry from any place within the United States where the
9 Secretary of Agriculture may have reason to believe dis-
10 eases may exist into and through any state and to foreign
11 countries as the Secretary of Agriculture may deem nec-
12 essary.

13 “(b) For the purposes of these sections, the word
14 “State” means any of the several States of the United
15 States, the Commonwealth of the Northern Mariana Is-
16 lands, the Commonwealth of Puerto Rico, the District of
17 Columbia, Guam, the Virgin Islands of the United States,
18 or any other territory or possession of the United States.”.

19 SEC. 215. Section 6 of the Act of May 29, 1884, as
20 amended (21 U.S.C. 115), is amended to read:

21 “(a) No person, company, or corporation shall trans-
22 port, receive for transportation, deliver for transportation,
23 move, or cause to be moved from one State to another
24 any livestock and/or live poultry affected with any disease
25 except in accordance with regulations prescribed by the

1 Secretary of Agriculture to protect the livestock and poul-
2 try of the United States and the health of the people of
3 the United States.

4 “(b) For the purposes of this section, the word ‘State’
5 means any of the several States of the United States, the
6 Commonwealth of the Northern Mariana Islands, the
7 Commonwealth of Puerto Rico, the District of Columbia,
8 Guam, the Virgin Islands of the United States, or any
9 other territory or possession of the United States.’”.

10 SEC. 216. Section 11 of the Act of May 29, 1884,
11 as amended (21 U.S.C. 114a), is amended to read:

12 (a) The Secretary of Agriculture, either independ-
13 ently or in cooperation with States or political subdivisions
14 of States, farmers’ associations and similar organizations,
15 and individuals, is authorized to: (1) control and eradicate
16 any diseases which in the opinion of the Secretary of Agri-
17 culture constitute an emergency and threaten the livestock
18 industry or poultry industry of the United States, or the
19 health of the people of the United States because the dis-
20 ease may be transmitted by livestock or poultry or their
21 products; and (2) pay claims growing out of destruction
22 of animals (including poultry), and of materials, affected
23 by or exposed to any communicable disease, in accordance
24 with such regulations as the Secretary of Agriculture may
25 prescribe.

1 “(b) The Secretary of Agriculture is authorized to
2 prescribe and collect fees to recover the costs of carrying
3 out this section which relate to veterinary diagnostics.

4 “(c) For the purposes of this section, the word ‘State’
5 means any of the several States of the United States, the
6 Commonwealth of the Northern Mariana Islands, the
7 Commonwealth of Puerto Rico, the District of Columbia,
8 Guam, the Virgin Islands of the United States, or any
9 other territory or possession of the United States.”.

10 SEC. 217. Section 1 of the Act of March 3, 1905,
11 as amended (21 U.S.C. 123), is amended to read:

12 “(a) The Secretary of Agriculture is authorized to
13 quarantine by regulation any State, or any portion of any
14 State, when the Secretary of Agriculture shall determine
15 the fact that any animals or live poultry in such State
16 are affected with any disease or that the contagion of any
17 disease exists or that vectors which may disseminate any
18 disease exist in such State.

19 “(b) For the purposes of this Act, the word ‘disease’
20 means any disease of livestock or poultry, both infectious
21 and non-infectious, and any other health-related condition
22 that may be transmitted by livestock or poultry or their
23 products to other animals or humans.

24 “(c) For the purposes of this section, the word ‘State’
25 means any of the several States of the United States, the

1 Commonwealth of the Northern Mariana Islands, the
2 Commonwealth of Puerto Rico, the District of Columbia,
3 Guam, the Virgin Islands of the United States, or any
4 other territory or possession of the United States.”.

5 SEC. 218. Section 1 of the Act of May 6, 1970, (21
6 U.S.C. 135), is amended by designating the current sec-
7 tion as subsection “(a)”; by deleting the words “livestock
8 or poultry disease or pests” and by inserting in lieu there-
9 of “diseases or livestock or poultry pests”; by deleting
10 “livestock or poultry diseases or pests” and by inserting
11 in lieu thereof “diseases or livestock or poultry pests”; and
12 by adding a new subsection (b) to read:

13 “(b) For the purposes of this Act, the word “dis-
14 eases” means any diseases of livestock or poultry, both
15 infectious and non-infectious, and any other health-related
16 condition that may be transmitted by livestock or poultry
17 or their products to other animals or humans.”.

18 SEC. 219. Section 12 of the Act of March 4, 1907,
19 as amended (21 U.S.C. 612), is amended to read:

20 “(a) The Secretary is authorized to inspect all cattle,
21 sheep, swine, goats, horses, mules, and other equines in-
22 tended and offered for export to foreign countries at such
23 times and places, and in such manner as the Secretary
24 may deem proper, to ascertain whether such cattle, sheep,

1 swine, goats, horses, mules, and other equines are free
2 from disease.

3 “(b) For the purpose of this section, the word ‘dis-
4 ease’ means any disease of cattle, sheep, swine, goats,
5 horses, mules, and other equines, both infectious and non-
6 infectious, and any other health-related condition that may
7 be transmitted by cattle, sheep, swine, goats, horses,
8 mules, and other equines or their products to other ani-
9 mals or humans.”

10 SEC. 220. The Act of September 28, 1962 (7 U.S.C.
11 450), is amended to read:

12 “(a) In order to avoid duplication of functions, facili-
13 ties, and personnel, and to attain closer coordination and
14 greater effectiveness and economy in administration of
15 Federal and State laws and regulations relating to the
16 production and marketing of agricultural products and to
17 the control or eradication of plant diseases, plant pests,
18 animal diseases, and animal pests, the Secretary of Agri-
19 culture is authorized, in the administration and enforce-
20 ment of such Federal laws within the Secretary of Agri-
21 culture’s area of responsibility, whenever the Secretary of
22 Agriculture deems it feasible and in the public interest,
23 to enter into cooperative arrangements with State depart-
24 ments of agriculture and other State agencies charged
25 with the administration and enforcement of such State

1 laws and regulations and to provide that any such State
2 agency which has adequate facilities, personnel, and proce-
3 dures, as determined by the Secretary of Agriculture, may
4 assist the Secretary of Agriculture in the administration
5 and enforcement of such Federal laws and regulations to
6 the extent and in the manner the Secretary of Agriculture
7 deems appropriate in the public interest.

8 “(b) The Secretary is authorized to coordinate the
9 administration of such Federal laws and regulations with
10 such State laws and regulations wherever feasible. How-
11 ever, nothing in this Act shall affect the jurisdiction of
12 the Secretary of Agriculture under any Federal law, or
13 any authority to cooperate with State agencies or other
14 agencies or persons under existing provisions of law, or
15 affect any restrictions of law upon such cooperation.

16 “(c) For the purposes of this Act the term ‘animal
17 diseases’ means any diseases of animals, both infectious
18 and non-infectious, and any other health-related condition
19 that may be transmitted by animals or their products to
20 other animals or humans.”.

21 SEC. 221. Section 101(d) of the Act of September
22 21, 1944 (7 U.S.C. 430), is amended to read:

23 “(a) The Secretary of Agriculture may purchase in
24 the open market from applicable appropriations samples
25 of all tuberculin, serums, antitoxins, or other products, of

1 foreign or domestic manufacture, which are sold in the
 2 United States, for the detection, prevention, treatment, or
 3 cure of diseases of domestic animals, test the same, and
 4 disseminate the results of the tests in such manner as the
 5 Secretary of Agriculture may deem best.”.

6 “(b) For the purposes of this section, the word ‘dis-
 7 eases’; means any diseases of domestic animals, both infec-
 8 tious and non-infectious, and any other health-related con-
 9 dition that may be transmitted by domestic animals or
 10 their products to other animals or humans.”.



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S 2453 IS——3

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